

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 26, 2004

D043299 In re Geraldo M., a Juvenile

The order is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., Aaron, J.

D043588 In re F. R., a Juvenile

The appeal is dismissed. Haller, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D044017 Marisela R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Marisela R. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review.

The case is dismissed.

D043860 Woodridge Escondido Property Owners Association v. Superior Court of San Diego County/Nielsen

Let a writ issue directing the superior court to vacate its order of February 5, 2004 granting the expungement, to enter an order denying the motion to expunge lis pendens, and to entertain any motion for reasonable attorney fees and costs the association may bring pursuant to section 405.38. Costs in the writ proceedings are awarded to the association. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(b)(3)). Haller, J.; We Concur: Benke, Acting P.J., McDonald, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 27, 2004

D044119 McDonald v. Superior Court of San Diego County/People
The petition is denied.

D040331 In re Anthony J., a Juvenile
D041558 In re Anthony J., a Minor on Habeas Corpus
The petition for rehearing is denied.

D043981 In re Duran on Habeas Corpus
The petition is denied.

D042009 People v. Latuska
The petition for rehearing is denied.

D041750 Travis L. v. Poway Unified School District et al.
Judgment reversed and remanded for further proceedings consistent with the views we have expressed.
Appellant to recover his costs on appeal. Benke, J.; We Concur: McConnell, P.J., O'Rourke, J.

D041677 Lanier v. Mills et al.
The judgments are reversed with directions to vacate the orders sustaining the demurrers without leave to amend and to enter new orders overruling those demurrers. Appellant shall recover his costs on appeal.
McDonald, J.; We Concur: McConnell, P.J., Benke, J.

D041738 Fitz v. NCR Corporation
The order denying NCR's motion to compel arbitration is affirmed. Nares, Acting P.J.;
We Concur: McIntyre, J., O'Rourke, J.

D042651 People v. Ruiz
The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D041435 In re the Marriage of Butkowski
The order is reversed. Appellant is entitled to costs on appeal. McIntyre, J.;
We Concur: McConnell, P.J., Benke, J.

D043991 Jodella W. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency
The attorney for petitioner Tarel H. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review.
The case is dismissed.

D043232 In re Marriage of Arena
The appeal is dismissed pursuant to rule 17(a).

D044078 Stephen C. a Minor etc. v. James C.
The appellant having failed to timely pay the filing fee, the appeal is dismissed.

D044124 In re Thompson on Habeas Corpus
The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 28, 2004

D043618 People v. Flores

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D042152 People v. Taylor

The five-year sentence enhancement imposed pursuant to section 667, subdivision (a)(1) is stricken. In all other respects, the judgment is affirmed. The trial court is directed to issue a new abstract of judgment consistent with this disposition. Aaron, J.; We Concur: Benke, Acting P.J., McDonald, J.

D044180 In re Davis on Habeas Corpus

The petition is denied.

D043088 Martinetti et al. v. The Rainbow Municipal Water District

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D042180 Robert D. v. Paradise Valley Hospital

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., Aaron, J.

D041967 Miller v. Sabol

The order is affirmed. McConnell, P.J.; We Concur: O'Rourke, J., Irion, J.

D041762 People v. Hightower

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., McIntyre, J.

D042553 People v. Leonard

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D044123 In re Estevez on Habeas Corpus

The petition is denied.

D044052 Natalie M. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Natalie M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D044043 Teana D. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Teana D. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 28, 2004 (Continued)

D043938 Geraldine D. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Geraldine D. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Geraldine D. is dismissed.

D044025 Morberg et al. v. Superior Court of San Diego County/Allied Insurance Company

The petition is denied.

D044120 Brierton v. Department of Motor Vehicles

The petition for writ of supersedeas is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 29, 2004

D043065 People v. Gonzalez

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D042626 People v. Coles

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D042097 People v. Jackson

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Irion, J.

D042678 Friedman v. Child Custody and Family Research Center et al.

The judgment is affirmed. The Center is awarded costs on appeal. McConnell, P.J.;
We Concur: Haller, J., McIntyre, J.

D042918 In re Timothy H., a Juvenile

The juvenile court's order is affirmed. Benke, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D043086 In re Christopher K., a Juvenile

The orders are affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Irion, J.

D039114 People v. Weaver

The judgment is reversed. The matter is remanded to the trial court for a hearing not to be held by Judge Brown, at which appellant will be allowed to withdraw his plea of guilty. Benke, Acting P.J.;
We Concur: McDonald, J., O'Rourke, J.

D042019 People v. Hatfield

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

D041620 Araiza-Klier v. Teachers Insurance and Annuity Association of America et al.

The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., McIntyre, J.

D041565 People v. Mahdi

The court has read and considered Mahdi's letter of April 20, 2004. Even though the letter was not filed by Mahdi's counsel, we treat it as a petition for rehearing. We deny the petition.

D041048 Fletcher et al. v. Quest Education Corp.

The requests for publication of the opinion are denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 30, 2004

D044150 In re Lamer on Habeas Corpus

The petition is denied.

D043756 In re Lorena R. et al., a Juvenile

The appeal is dismissed. McDonald, J.; We Concur: Nares, Acting P.J., Irion, J.

D044143 Canelina et al. v. Superior Court of San Diego County/Sober

The petition is denied.

D040425 People v. Jordan

As amended, the judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., Aaron, J.

D043003 In re Z.C., a Juvenile

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., McDonald, J.

D041833 Ruiz v. Sysco Food Services

The order denying the request for monetary sanctions is affirmed. The balance of the order denying appellant's petition to compel arbitration is reversed and the trial court is directed to conduct further proceedings on remand with the views set for in this opinion. Each party to bear its own costs. Huffman, Acting P.J.; We Concur: Nares, J., Irion, J.

D041462 In re Player on Habeas Corpus

The petition is granted. The Department of Corrections is directed to vacate the finding of guilt for the conspiracy to assault prison staff in RVR, Log. No. 09-95-D052, to dismiss that RVR, to restore 150 days lost credit to Player, to redetermine Player's classification status, and to delete any reference to RVR, Log. No. 09-95-D052 from Player's C-file. Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D044053 County of San Diego v. Heller

The appellant having failed to timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 1(c)(5)).

D043886 People v. Woods

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 30.3).

D043668 Georgiana A. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D043991 Jodella W. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Jodella W. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D044155 In re Jamal Bertrand on Habeas Corpus

The petition is denied.